

# ADA & Title II Training



# Presenter

- Travis Helmkamp, PE, ADAC
- Project Manager at Oates Associates
- 12 years assisting municipalities with self-evaluations and transition plans
- Completed plans for communities from 5,000 to 300,000 residents





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# Presentation Goals



# Goals of the Presentation

- History of the Americans with Disabilities Act (ADA) and disability rights in the US
- Accessibility and positive impacts
- Municipal requirements and liabilities under the ADA
- Impact of Title II on municipal facilities, policies and procedures
- Impact of local transportation policies and practices on accessibility



# Presenters

- Robin Jones
- Director of Great Lakes ADA Center since 1991
- Professor in the Department of Disability and Human Development, University of Illinois at Chicago (UIC)
- Provides training throughout Illinois and the nation





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# History of Disability Rights



# History of Disability Rights

## Pre-Americans with Disabilities Act

MODULE

1

- Section 504 of the 1973 Rehabilitation Act
  - Viewed people with disabilities as a minority group
  - Banned discrimination by recipients with federal funds
- Civil Rights Restoration Act
- Americans with Disabilities Act

6 THE FREE LANCE-STAR, Fredericksburg, Virginia, Tuesday, March 13, 1980

### Disabled protesters make stand

*Demonstrators crawl up Capitol steps*

By WILLIAM H. WELCH  
Associated Press Writer

WASHINGTON (AP)—Using their arms or whatever movement they could, dozens of people crawled out of their wheelchairs and up the steps of the U.S. Capitol to dramatize their demand for rights for people with disabilities.

"It'll take all night if I have to," said the youngest, 8-year-old Jennifer Keelan of Denver, as she pulled her small body up the steps.

"Come on Jenny, you're almost there," said Michael Winter of Berkeley, Calif., who was making his own difficult journey up the 33 stone steps of the Capitol's West Front.

They were among 50 or so people who put on the demonstration Monday following a rally at the base of the Capitol steps by about 1,000 people supporting legislation to extend rights to people with disabilities.

"We're not asking for any favors," said I. King Jordan, president of Gallaudet University and the first deaf person to hold that position at the school for people with impaired hearing. "We're simply asking the same rights and equality any other American has."

The focus of the protest was the Americans with Disabilities Act, which passed the Senate last year but has bogged down in the House, despite widespread predictions of its ultimate passage.

The measure would outlaw discrimination based on physical or mental disability in employment, access to buildings, use of the telephone system, use of public and private transportation and in other uses. The Capitol building has ramps for wheelchair access to two of its entrances and ramps and elevators inside to enable people confined to wheelchairs to get around.

"What we did for civil rights in the '60s, we forget to do for people with disabilities," said Rep. Patricia Schroeder, D-Colo.

Although the bill is supported by the Bush administration and congressional leaders, some have begun questioning the administration's commitment in recent weeks. White House spokesman Martin Fitzwater denied the report was slipping and said the administration was negotiating with key members of Congress.

"We do support the legislation," Fitzwater said. "We're very supportive of their rights and their cause. President Bush has spoken out on that in the past."

Jennifer Keelan, a second-grader, began crawling up the Capitol steps as soon as the speeches ended.

Her mother, Cynthia Keelan, said Jennifer suffers from cerebral palsy and the girl decided to crawl the steps herself after joining the group Americans Disabled for Accessible Public Transit, or ADAPT.

A friend of hers in that group, 5-year-old Kenay Perkins of Denver, died in January. "I'm doing it for Kenny," Jennifer said as she reached the top.

"I'm proud of her," her mother said. "That was hard work."



AP Wirephoto

A group of handicapped people crawl up the U.S. Capitol steps Monday to draw support for a bill that would extend civil rights to disabled persons.

# History of Disability Rights

## What Are the Key Laws?

MODULE

1

Section 504  
of the  
Rehabilitation  
Act of 1973  
(1978)

Individuals  
with  
Disabilities  
Education Act  
(IDEA)  
(1975)

Air Carrier  
Access Act  
(1986)

Fair Housing  
Amendments  
Act  
(1988)

Americans  
with  
Disabilities  
Act  
(1990)

# Game Changer – Passage of the ADA

MODULE

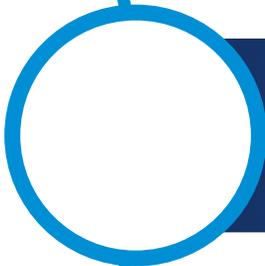
1



# How We Got Where We Are Now



Educating about rights and responsibilities



Advocacy

- “Healthy tension”



Enforcement

- Complaints, mediation and lawsuits

# Definition of Disability under the ADA

1<sup>st</sup> Prong: Individual who has a physical or mental impairment that substantially limits them in one or more major life activities

- Includes episodic conditions
- Includes bodily functions

2<sup>nd</sup> Prong: Individual who has a record of having such an impairment

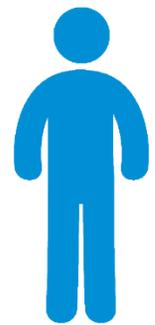
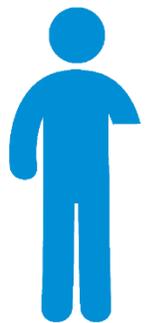
- Former alcoholic or drug addict
- Cancer survivor

3<sup>rd</sup> Prong: Individual who is regarded as having such an impairment

An impairment does not have to be “permanent” to be covered

# Demographics of Disability

- 16% of people with disabilities use mobility devices (crutches, canes, wheelchairs, etc.)
  - Face greatest # of physical barriers in community
- 49% of people with disabilities have either vision or hearing impairment
- 33% of people with disabilities have major medical condition (Diabetes, Heart Disease, HIV, Seizure Disorder, etc.)



# Demographics of Disability (con't)

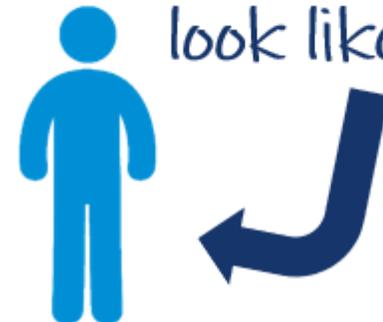
- 18% of people with disabilities have some form of cognitive disability (Learning Disability, Alzheimer's Disease, Head Injury, etc.)
- Over 1/5<sup>th</sup> of the population has some form of mental disorder in any given year, although only 8 million seek treatment

The majority of disabilities are “invisible”

Not all disabilities  
look like this



Some disabilities  
look like this





# What should I say or write?

## Acknowledge the following:

- Each individual or group is different and has their own preferences.
- There is no one-size-fits all language for an individual, group, or population.
- Some groups or communities *may* prefer one term over another, e.g., blind and low vision, autism, deaf and hard-of-hearing.

## Tips:

- Ask what the person or group prefers. Some people may have no preference at all.
- When addressing a known audience, ask! When addressing an unknown audience, we recommend using people first language.



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# Title II & Municipal Obligations



# Title II of the ADA

## Municipal Obligations – Steps 1 and 2

- Five administrative requirements
  1. Designate a responsible employee
    - Someone with sufficient authority to make decisions and act
    - Often referred to as “ADA Coordinator”
  2. Grievance Procedure
    - Establish and publicize a procedure for addressing complaints
    - Only required for entities with 50 or more employees

# Illinois Specific Requirement – ADA Coordinator

## ADA Coordinator Notice:

A municipality that maintains a website must post the name, office, address, and telephone number of the ADA coordinator, if any and the grievance procedures, if any, adopted by the municipality to resolve ADA complaints.

65 ILCS 5/1-1-12.

### Americans with Disabilities Act Grievance Procedure

This grievance procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the (Name of Public Entity).

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number, email address of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted as soon as possible, preferably within 60 calendar days of the alleged violation to:

(ADA Coordinator name and contact information).

Within 15 calendar days after receipt of the complaint, (name of ADA Coordinator) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, (name of ADA Coordinator) will respond in writing, and where appropriate, in format that is accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the (Name of Public Entity) and offer options for substantive resolution of the complaint.

If the response by (name of ADA Coordinator) does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the (Head of Public Entity) or designee.

Within 15 calendar days after receipt of the appeal, the (Head of the Public Entity) or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the (Head of the Public Entity) or designee will respond in writing, and, where appropriate, in a format that is accessible to the complainant, with a final resolution of the complaint.

## Sample ADA Grievance Procedure

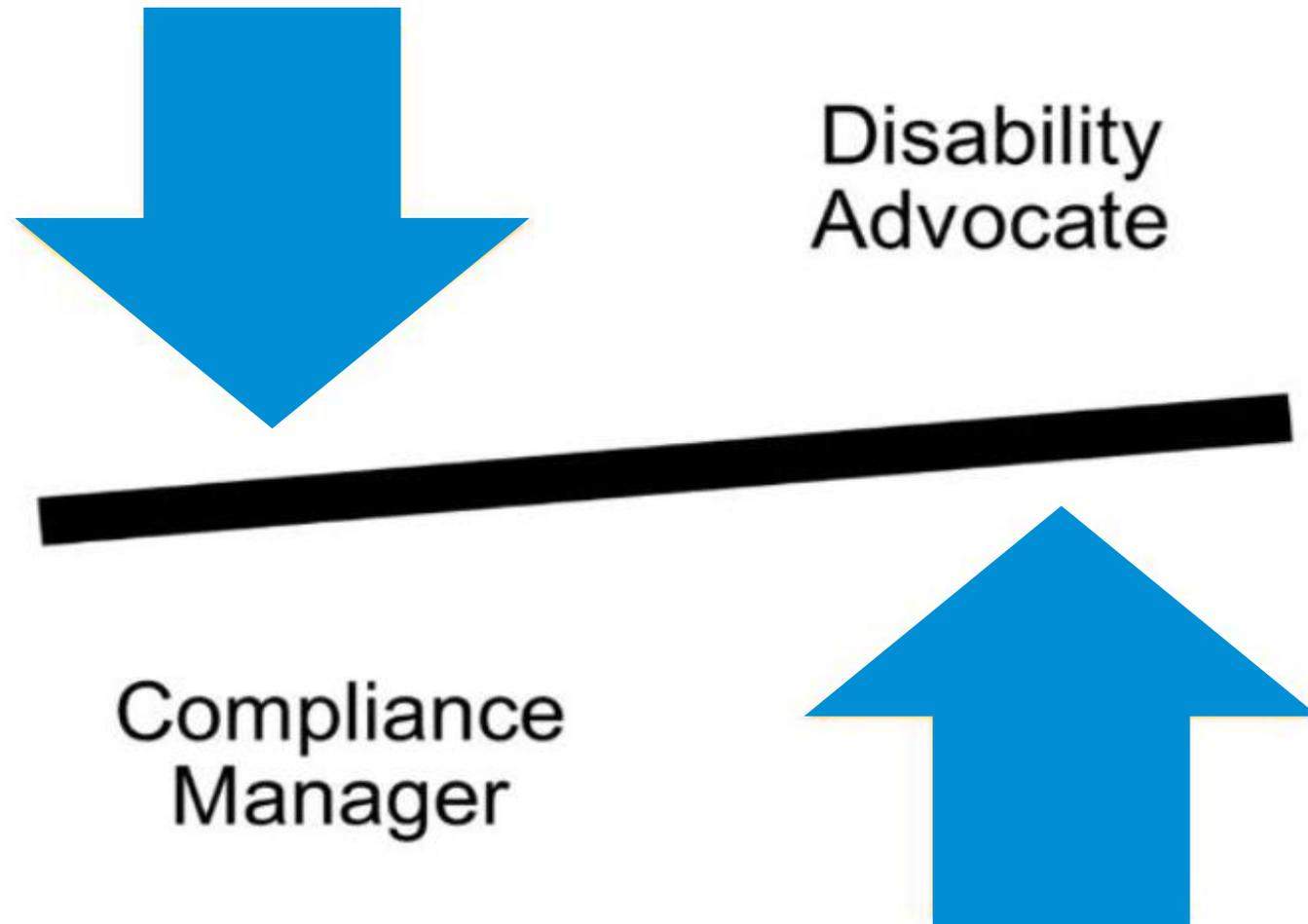
- May be incorporated into existing grievance procedure



# ADA/Accessibility Coordinator

MODULE

1



# Title II of the ADA

## Municipal Obligations – Steps 3 and 4

- Five administrative requirements (con't)
  3. Notice to the Public
    - Public statement available across multiple platforms (print, auditory, website, etc.)
  4. Conduct a self-evaluation
    - An assessment of all programs and services to identify any barriers to participation by people with disabilities
    - Required by all entities, regardless of size

## City of Crystal Lake ADA Notice

### Notice Under the Americans With Disabilities Act

In accordance with the requirements of Title I and II of the Americans with Disabilities Act of 1990, the City of Crystal Lake will not discriminate against qualified individuals with disabilities on the basis of disability in the City's programs, services or activities.

### Employment

The City does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

### Effective Communication

The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

### Modifications to Policies and Procedures

The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services and activities. For example, individuals with service animals are welcomed in City Offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service or activity, should contact the City's ADA Coordinator/Responsible Employee, as soon as possible, but no later than 24 hours before the scheduled event.

The ADA does not require the City to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Questions, concerns and/or complaints that a City program, service or activity is not accessible to persons with disabilities, or requests for additional information should be directed to the City's ADA Coordinator/Responsible Employee.

The City will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but not accessible to persons who use wheelchairs.

#### CONTACT US

ADA Coordinator  
Nick Hammonds  
(815) 459-2020

City of Crystal Lake  
100 W Woodstock Street  
Crystal Lake, IL 60014

#### LINKS AND RESOURCES

[Grievance Procedure](#)

[2021 ADA Transition Plan](#)

# Sample Notice to the Public

Published on the City's Website  
along with ADA Coordinator contact  
information



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# Title II of the ADA

## Municipal Obligations – Steps 5

- Five administrative requirements (con't)

### 5. Develop a Transition Plan

- Identifies barriers that impact access to programs and activities offered by a public entity
- Only required for entities with 50 or more employees

\*Originally required to be completed by July 26, 1992 and barriers to be removed by July 26, 1995

# Title II of the ADA

## Potential Liabilities for Non-Compliance

- Possibility of harsher mandates from litigation
- Possibility of “bad press”
- Possibility of becoming a DOJ Project Civic Access “subject”

# Title II of the ADA

## Additional Potential Liabilities

- Subject to private lawsuits and settlement agreements
  - More likelihood of advocates' success if no evidence of "good faith effort"
  - Courts or settlement agreement can make you do more than would otherwise have been required
- Someone else could control and dictate the process, determine what financial resources you will need to allocate and dictate the schedule for compliance

[Civic Access Fact Sheet](#)

[Cities and Counties: Solving Common ADA Problems](#)

[Tool Kit For State and Local Governments](#)

[PCA Agreements in Chronological Order](#)

## Project Civic Access

The following settlement agreements resolve cases that are part of the Department's **Project Civic Access**, a wide-ranging effort to ensure that counties, cities, towns, and villages comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life. The Department has conducted reviews in 50 states, as well as Puerto Rico and the District of Columbia, and is posting the agreements to help additional communities come into compliance with the Act. To view the settlement agreements in a [chronological list by settlement date](#)



AK | AL | AR | AZ | CA | CO | CT | DC | DE | FL | GA | HI | IA | ID | IL | IN | KS | KY | LA | MA | MD | ME | MI | MN | MO | MS | MT | NC | NE | NH | NJ | NM | NV | NY | OH | OK | OR | PA | PR | RI | SC | SD | TN | TX | UT | VA | VT | WA | WI | WV

# Department of Justice – Project Civic Access Program

Over 200 settlement agreements with local governmental entities

- 7 in Illinois

# Access Board Rulemaking – Public Rights of Way Guidelines (PROWG)

MODULE

1

- U.S. Access Board issued their “Final Rule” on [Public Rights of Way Accessibility](#) August 8, 2023
- Includes guidelines on how to make the pedestrian facilities, such as sidewalks, crosswalks, shared use paths, and on-street parking, accessible to people with disabilities.
- Applies to entities covered under Title II of the ADA as well as Section 504 of the Rehabilitation Act.
  - Apply to entities covered under the Architectural Barriers Act.

# Access Board Rulemaking – Public Rights of Way Guidelines (PROWG) (2)

MODULE

1

- The Access Board issued a document that outlines the changes to PROWAG from previous versions. This document is available on their [website](#).

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## Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule

September 01, 2023

In 2011, the U.S. Access Board published [proposed accessibility guidelines](#) for pedestrian facilities in the public right-of-way and revised them in 2013 to include shared use paths. The notice of proposed rulemaking (NPRM) on these guidelines for pedestrian facilities and the supplemental notice of proposed rulemaking (SNPRM) on shared use paths requested public comments on all provisions of the proposed accessibility guidelines. More specifically, the Board sought comments from regulated entities, including state and local governments, on the costs and impacts of certain provisions of the proposed rule. The Board carefully reviewed over 600 public comments received in response to the NPRM and SNPRM before issuing the [final rule on accessibility guidelines for pedestrian facilities in the public right-of-way](#) on August 8, 2023.

Listed below are *some* of the notable changes to the final rule from the versions proposed in the NPRM and SNPRM. These and other changes are described in further detail in the [preamble to the final rule](#).

**Advisory Language.** In the final rule, the Board eliminated the advisories as these are not mandatory requirements. The Board will provide guidance on its website to assist regulated parties with understanding and properly implement the final enforceable standards that are issued by the standard-setting agencies. Some information that previously appeared in an advisory was moved to the final rule and is thus mandatory. For example, the final rule requires pedestrian circulation paths at driveways controlled with yield or stop control devices or traffic signals to have detectable warning surfaces. In the NPRM, this requirement was discussed in advisory [B208.1](#).

**Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).** In the final rule, MUTCD provisions are not incorporated by reference. Instead, the Board has stated all required technical provisions along with applicable definitions directly in the final rule. This approach differs from the NPRM where the Board proposed to incorporate by reference various sections of the MUTCD.

**Alterations.** In the final rule, the Board has modified the definition of “[alteration](#)” and provided a definition for “[developed](#).” These revisions allow added facilities to comply to the maximum extent feasible where existing physical constraints make compliance

### Featured News



[Notable Changes in Public Right-of-Way Accessibility Guidelines Final Rule](#)



[U.S. Access Board Issues Final Rule on Public Right-of-Way Accessibility Guidelines](#)

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# The Positive Side of Accessibility



# Why Accessibility is important

- Increasing number of individuals with disabilities in society
  - 1990 – 43 million
  - 2020 – 58 million
- Aging society
  - Average 15% population of the suburban cook county area is 65 yrs or older
- Move to “Virtual” environments
  - Opening opportunities to those who could not “travel” or be “in-person” for meetings, events, etc.
- Accessible features benefit those beyond the disability community
  - Mothers with strollers
  - Individuals using roller bags
  - Avoidance of “touching” and spreading disease

# The Positive Impacts of Building an Accessible Community

MODULE  
**1**





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# Example Case Study #1

City of Milwaukee, WI



# Project Civic Access Milwaukee, WI Findings

MODULE

1

## **Subject of a Project Civic Access Settlement Agreement in 2016**

- Lack of a person with sufficient authority to act on accessibility issues
- Lack of an inventory of barriers facilities constructed prior to 1992
- Newly constructed buildings found non-compliant with 1991 Standards
- Lack of policies and procedures for effective communication
- Lack of inclusion of persons with disabilities in emergency planning and shelters

# Project Civic Access Milwaukee, WI Findings (con't)

## **Subject of a Project Civic Access Settlement Agreement in 2016**

- Numerous public rights of way lacking accessible curb cuts in commercial and residential areas
- Lack of policies for police departments to transport and detain individuals with disabilities
- Lack of accessible voting locations and policies/procedures for accessible voting

# Project Civic Access Milwaukee, WI

## Outcome

MODULE

1

### **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Named ADA Coordinator with sufficient authority to make decisions and address ADA related issues
  - Establishment of an interagency coordinating committee
- Inventory of all buildings owned/operated by the City with barriers identified and a plan for removal of the barriers within 3 years

# Project Civic Access Milwaukee, WI Outcome (con't)

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Inventory of all public rights of way with a plan for removal of barriers at intersections, etc. within 3 years
- Development of a city-wide policy for effective communication policy

# Project Civic Access Milwaukee, WI Outcome (final)

MODULE

1

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Inventory of all polling locations and establishment of policies for accessible voting within 3 years
- Revamp of the City's website to meet the W3C 2.0 Guidelines within 3 years



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# Example Case Study #2

City of Champaign County, IL



# Project Civic Access Champaign County Findings

## **Subject of a Project Civic Access Settlement Agreement in 2015**

- Conducted a self-evaluation in 1992 but it was not comprehensive and little action was taken as a result
- Appointed an ADA Coordinator in 1992 but that position is currently vacant and has not had a specific person assigned since 1995.
- Conducted a limited architectural review of facilities in 1992 and barriers identified were not completed/removed

# Project Civic Access Champaign County Findings – Policies and Procedures

MODULE

1

## **Subject of a Project Civic Access Settlement Agreement in 2015**

- Lack of policies and procedures for effective communication
- No notice to the public of ADA compliance
- Lack of a grievance procedure to address citizen barriers/accessibility issues
- Lack of policies and procedures for law enforcement regarding persons with disabilities

# Project Civic Access Champaign County Findings – Inventory and Polling

MODULE

1

## **Subject of a Project Civic Access Settlement Agreement in 2015**

- Lack of policies and procedures for emergency management related to persons with disabilities
- Lack of accessible polling places and equipment for persons with disabilities
- Lack of inventory and plan for addressing accessible sidewalks, cross walks, curb cuts, etc.

# Project Civic Access Champaign County Findings – Website and Vendors

## **Subject of a Project Civic Access Settlement Agreement in 2015**

- Website was inaccessible to persons with disabilities using assistive technologies and they are unable to utilize online options/services.
- Lack of accessibility to persons with disabilities by third party vendors utilized to perform programs and services on behalf of the County.

# Project Civic Access Champaign County Outcome – Internal Oversight

MODULE

1

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Named ADA Coordinator(s) with sufficient authority to make decisions and address ADA related issues
  - Establishment of an interagency coordinating committee
- Hire licensed architect(s) to oversee the development of an inventory of all buildings owned/operated by the County with barriers identified and a plan for removal of the barriers within 3 months with implementation/remediation within 5 years

# Project Civic Access Champaign County Outcome – Planning Efforts

MODULE

1

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Development of plan to inventory of all public rights of way, curb cuts, intersections, etc. within 3 months with a plan for removal of barriers at intersections, etc. within 3 years
- Development of a county-wide policy for effective communication policy
- Inventory of all polling locations and establishment of policies for accessible voting within 3 years

# Project Civic Access Champaign County Outcome – Website and EM

MODULE

1

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Revamp of the County's website to meet WCAG 2.0 requirements for accessibility within 3 months.
- Incorporate elements of Chapter 7 of the ADA Title II Toolkit into the County's emergency management plan within sixty days.

# Project Civic Access Champaign County Outcome – Voting and EEOC

MODULE

1

## **Outcome of Project Civic Access Settlement Agreement (5-year Monitoring):**

- Ensure all facilities utilized for voting are accessible on the next designated election day including all equipment, etc., utilized by individuals to conduct voting activities.
- Modify policies and procedures for employment to ensure that they are consistent with the Equal Employment Opportunity Commission (EEOC) requirements for non-discrimination on the basis of disability within 3 months.

# Illinois Communities with ADA Complaints

**Below is a list (not exhaustive) of Illinois Communities who have had ADA Related Complaints:**

- [City of Dekalb, IL](#) (Employment issue)
- [Village of Midlothian, IL](#) (Project Civic Access)
- [Waukegan, IL](#) (Project Civic Access)
- [Will County, IL](#) (Project Civic Access)
- [Springfield, IL](#) (Zoning issue)
- [Pekin, IL](#) (Sidewalks, curb cuts, rights of way)
- [Cicero, IL](#) (On-street parking)
- [Champaign-Urbana](#) (web accessibility)

# Questions Section 1?



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# 15-Minute Break #1





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# Requirements of an ADA Self-Evaluation



# What is a Self-Evaluation?

ADA regulation: Evaluate programs, services, policies, and practices, and the effects of them, that do not or may not meet Title II requirements

- Describe areas examined, problems identified, modifications made
- Provide opportunity for interested persons to participate (submit comments)
- If the entity is larger than 50 employees, keep record of self-evaluation on file and available for public inspection for three years
- Make any necessary modifications [action plan]

1991 DOJ regulation: 28 CFR 35.105

# What Are Programs, Services or Activities?

Broadly defined:

For purposes of the self-evaluation and transition plan, a “program” is a service or activity with a single purpose. It is an activity undertaken by a department that affords benefits, information, opportunities or activities to one or more members of the public.



# Examples of Programs

- Library/parks and recreation/education
- Voting/elections
- Meetings, hearings, special events
- Police protection/Emergency
- Web based information and publications
- Social services
- Payment of fines, taxes, assessments
- Sidewalks/public rights of way
- Includes programs, services, and activities carried out by contractors or grantees on behalf of the local government

# What about “specialized” programs?

Specialized programs for persons with disabilities are allowed but individuals with disabilities cannot be required to participate in these programs

- Adaptive Recreation Programs
- Autism Friendly Programs

Individuals with disabilities must be allowed to participate in any programs that they qualify for with or without an accommodation.



# Program Access Does Not Require

- Fundamental alteration in the nature of a service, program, or activity
- Undue financial and administrative burdens
- BUT:
  - Any undue burden decision must be made by the head of the public entity after considering all resources available and it must be in writing
  - The public entity must still take actions that will not result in fundamental alteration or undue burdens
- See also historic exceptions, 28 CFR 35.150(a)(2), 35.150(b)(3)

# Base Requirements of a Self-Evaluation

- Examine the entities programs, services, and activities including the use of information technology to identify any barriers for persons with disabilities;
- Evaluate how people with disabilities receive benefits and services and participate in programs and activities to identify any policies or practices that may be discriminatory;
- Develop a set of priority-driven recommendations to ensure that all programs, services, and activities are accessible to people with disabilities

# Starting the Self-Evaluation Process

- Identify the key personnel and conduct an interview with them and any other staff needed to obtain information.
- Seek out those:
  - Who know the programs and activities well
  - Who know the policies as well as the practices
  - Who can identify necessary documents

# Areas to Examine in a Self-Evaluation

- Participation requirements (initial and continuing)
- Tests/qualification requirements
- Participation policies and practices that may discriminate
- Existence of separate programs/services
- Effective communication

# Additional Areas to Examine in a Self-Evaluation

- Infrastructure (transportation, etc.)
- Emergency preparedness
- Use of outside entities and their compliance (vendors, contractors, grantees)
- Furniture, equipment, purchasing procedures
- Web based information/services (kiosks, apps, etc.)

# Program Example

## Public Hearing

- Assume facts:
  - Meetings are held to conduct city business and communicate with residents of the city or recipients of a specific program
  - May be held in-person or remote
  - Some are held on regular basis, some are responsive to urgent situations (fiscal issues, emergency, etc.)
- Include each type of meeting that may be held in your assessment



# Program Example

## Public Hearing (con't)

- Determine:
  - Are all facilities where meetings are held accessible?
  - Is notice made to the public about how to request accommodations to participate?
  - Are all materials and announcements associated with the meeting accessible?
  - Do people with disabilities have an equal opportunity to participate?



# Program Example

## Sign Language Interpreters/Captions

MODULE

1

- Assume facts:
  - Municipal business is carried out in-person or by telephone/technology
  - Municipal events/meetings are open to the public
    - In-person
    - Virtual



# Program Example

## Sign Language Interpreters/Captioning

- Determine:
  - How do we communicate to the public the need to request a sign language interpreter or real-time captioning in advance of the meeting, event, etc.?
    - Proactive - Statement on fliers/advertisements identifying what accommodations will be available at the meeting/event
    - Reactive - Statement about how to request an accommodation when meetings/appointments are scheduled
      - Establish timeframes for advance notification (reasonable notice to allow time to schedule/secure)

# Program Example

## Sign Language Interpreters/ Captioning

MODULE

1

- What is the process for securing these services?
  - Budget allocation
  - List of vendors/agreements in place (contracts, etc.)
  - Centralized or decentralized process for scheduling/securing accommodations



# Sign Language Interpreters/ Captioning Internal Process

MODULE

1

- What is the internal process for securing these services?
  - Confirmation that services will be available
    - Placement/seating
    - Set-up (i.e., electricity, lighting, etc.)
    - Orient meeting coordinators to use these services to ensure that they understand how to verify that the communication is effective





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# Requirements of an ADA Transition Plan



# Base Requirements of a Transition Plan

- Conduct a review of all facilities where covered entities programs, services or activities are carried out
- Develop a list of the physical barriers that limit the accessibility of programs, activities, or services
- Identify the methods to remove the barriers and make the facilities accessible

# Base Requirements of a Transition Plan (con't)

- Establishment of a schedule to get the work completed seeking input from the public regarding priorities
- Identification of the responsible official(s) for the plan's implementation
- Periodic review of progress made on the plan

# What Should Be included in a Transition Plan

- Identify all physical obstacles (**barriers**) in the facilities that limit program access
- Detail the **methods** that will be used to make the programs and/or facilities accessible
- **Schedule** the steps to be taken each year to achieve compliance
- **Name of official responsible** for implementation

[If authority over streets, roads, walkways, include schedule for curb ramps or other sloped areas where pedestrian walks cross curbs. 28 CFR 35.150(d)(3)]

# Transition Plan Coordination

**Coordinate your physical facility access solutions with operations, maintenance, procurement, and various program providers to ensure consistent “program access” is in practice**

- Don't assume that fixing physical barriers will fix all the problems. Programs have many aspects to them and must be coordinated with the Self-Evaluation Process

# Program Accessibility

- Does not necessarily require physical changes
- Examples of methods that provide program accessibility
  - Relocating services to an accessible part of same building, or another building that is accessible
  - Delivery of services at alternate sites
  - Modifying policies and procedures
  - Delivering services in alternate way
- Must give priority to most integrated setting appropriate

# Example Facility

## City Hall

- Assume facts:
  - The building is open to the public on a regular basis
  - Residents can come to City Hall to carry out a variety of activities including paying bills, attending meetings, applying for services/benefits and meeting with leadership
  - A public parking lot serves the building
  - Restrooms are open to the public

# Example Facility

## City Hall (con't)

- Determine all areas where the public has access:
  - Identify any physical barriers that impede access to areas where the public is served
    - Evaluate against the 2010 ADA Standards for Accessibility and the Illinois Accessibility Code
  - Identify any physical barriers that may impede an employee with a disability (identify areas that may only be used by employees)

# Achieving Success

- **Success**

- Identifying policies, practices and procedures that make your programs, services and activities inaccessible to people with disabilities
- Reporting each one accurately and completely

- **Tips**

- Every entity has opportunities for improvement
- The purpose of the transition plan and self-evaluation process is not to point fingers, but to spot problems so they can be fixed
- If you identify areas of non-compliance, you have an opportunity to improve it



# Notice of Facility Accessibility

All facilities where meetings and events open to the public are held should be readily accessible to individuals who require physical access. If a statement denoting such access is desired the following are examples of statements to be used:

- The facility is readily accessible to individuals with disabilities
- The facility is accessible in accordance with the ADA
- The meeting will be held in an accessible location

# Eligibility to Participate

- An individual with a disability cannot be refused participation simply because of a disability
  - Exception: safety risk
- Eligibility criteria cannot limit participation
  - Standards: physical/mental condition
  - Circumstances: e.g., inaccessible application process, requiring signature, drivers license, thumb print
- No surcharges or additional fees can be charged for modifications or accommodations because of disability

# Testing

- Are tests used to determine whether people are eligible to participate in the program?
- Is testing conducted as part of your program (e.g., training programs, licensing, etc.)?
- Licensing exams and testing must be offered in an accessible place and manner (including provision of auxiliary aids)
- Admission cannot be denied if a person meets the essential eligibility requirements

# Hearings, Meetings, Trainings, Etc Principals

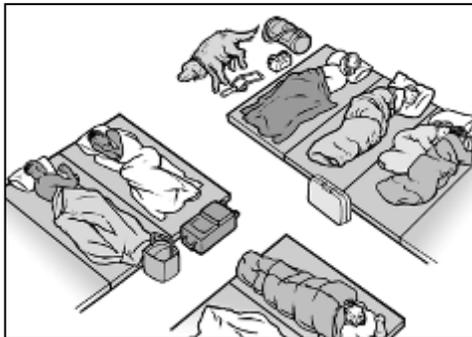
- Meetings, hearings, events and other gatherings must be accessible to people with disabilities. This includes ensuring:
  - Physical accessibility
  - Appropriate auxiliary aids and services

# Hearings, Meetings, Trainings, Etc Principals (con't)

- Applies to meetings and events held at:
  - Facilities owned or operated by the entity running the program
  - Other government-owned or operated facilities (schools, libraries, etc.)
  - Other locations (non-profits, churches, etc.)
- Plan ahead for compliance
- Give notice of the availability of auxiliary aids, accessibility features, and accommodations

# Modification of Policies, Practices and Procedures

- The entity must make reasonable modifications to policies, practices, and procedures to allow people with disabilities to participate, unless a fundamental alteration in the program would result.
- A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.
- Includes modifications to application requirements and the program itself.



# Sample Service and Emotional Support Animal Policy

[Municipality name] is committed to providing a safe and secure environment for people who participate in our programs and activities. This policy is intended to comply generally with the Americans with Disabilities Act (ADA).

**Service Animals** The ADA defines a service animal as a dog or miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability. We welcome people with service animals on government premises. Local government officials may ask individuals with service animals two questions, including: • 1) Is the animal required because of a disability? 2) What work or task has the animal been trained to perform?

**Emotional Support Animals** An emotional support animal (also known as a comfort animal) provides reassurance just by being with a person. Dogs, cats, birds, hamsters, and many other species can serve as emotional support animals. However, they do not qualify as "service animals" under the ADA. Therefore, we do not allow emotional support animals on our premises.

**Animal Handler's Responsibilities** Individuals who bring a service animal onto our premises are expected to: 1) Keep the animal harnessed, leashed, or tethered, unless these devices interfere with an animal's work or an owner's disability prevents them from using these devices. 2) Control the animal through voice, signal, or other effective controls, if the animal cannot be harnessed, leashed, or tethered. [Municipality name] is not responsible to provide care, food, or a special location for the service animal to relieve itself. We reserve the right to remove a service animal from the premises if it: 1) Is out of control and the handler does not take effective action to control it. 2) Poses a direct threat to the health or safety of others. 3) Is not housebroken.

If a service animal must be removed from the premises, absent other circumstances, the owner may re-enter the premises and attend activities without the service animal.

# Snow Removal Policies and Procedures

ADA requires the “**Maintenance of Accessible Features**” which includes clearing of sidewalks, curb ramps, parking lots/spaces, etc., to ensure individuals with disabilities have access

- Ordinances addressing snow removal in residential areas
- Ordinances addressing snow removal in business districts
- Policies for prioritizing municipal snow removal on public sidewalks, at all public buildings, crosswalks, intersections, bus stops, etc.



# Specialized Services Principles

- Programs and services must be provided in the most inclusive setting appropriate to the needs of an individual
- Separate programs or different measures can be provided only if necessary to ensure equal opportunity or equally effective benefits and services
- Even when separate programs are permitted, an individual with a disability can choose to participate in the “regular” program
- Cannot use separate programs as a substitute for:
  - Providing auxiliary aids and services
  - Accessible locations
  - Policy modifications

**SEPARATE**  
**≠**  
**EQUAL**

# Specialized Services

## Questions to be Asked

- What population may participate in the program?
- Must standards related to disability be met?
- Why a specialized program?
- Who determined that specialized program was appropriate?
- Is there an equivalent program open to people without disabilities?

# Questions Section 2?



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# 15-Minute Break #2





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# Examples of Programmatic Access



# Effective In-person Communication Overview

MODULE

1

- Members of the public can meet with municipal staff or obtain information by appointment or as a “walk-in”.



# Effective In-person Communication Highlights

- Accessibility of waiting area
- Chairs for visitors that have difficulty standing
- Notification of visitor's "turn"
- Assistance to fill out forms
- Use of auxiliary aids to communicate with people who are deaf or hard of hearing or who are blind/low vision

# Effective Written Communication Highlights

MODULE

1

- Policy for providing materials in alternate formats
  - Advance notice requirement
  - Notification to public
- Bulletin boards, written displays, exhibits or brochure displays



# Auxiliary Aids and Services Highlights

- Sign language interpreters, real-time captioners, etc.
- Policies for providing auxiliary aids and services
  - Advance request, friends/family, no surcharge
- When/what would be a circumstance for not providing
- Licensed – State of Illinois requires “licensed” sign language interpreters
- Qualifications
  - Specialized language (e.g. legal, medical)
- Vendors
  - Negotiated rates/timeframes, etc.

# Notice requesting accommodations for meetings/events, etc.

## SAMPLE LANGUAGE:

- Individuals who need accommodations to participate in the meeting should contact <name or title> at 222-2222 or email <insert address> no later than <insert date\*>
- Accommodation requests should be directed to <insert name or title> at 222-2222 or email <insert address> no later than <insert date\*>.
- Requests for a sign language interpreter, real-time captioning or materials in alternative format should be made no later than <insert date\*> to <insert name or title> at 222-2222 or by email <insert address>.
- Individuals requiring assistance to facilitate their full participation in the meeting should call 222-2222 or email <insert address> no later than <insert date\*>.

\*Additional language may be added to state that requests for accommodations made after the advertised date will be honored to the maximum extent feasible.

# Effective Telephone Communication Highlights

MODULE

1

- Automated phone system
- Telephone communication with public
  - TTY
  - Video Phone
  - Text/SMS option
- Telecommunication relay service
- Designated telephones for public in facilities
- Public use of front desk or staff phones



# Influence of Assistive Technology

- Many individuals utilize assistive technology to access text of documents as well as internet sites
  - Screen readers
  - Magnifiers
  - Text to speech/speech to text software



# Effective Electronic Communication Principles

- As a means of communication with members of the public, information that is communicated through electronic media must be accessible to people with disabilities
- Equipment that is used to communicate information or provide an interactive component with the public must be accessible to people with disabilities



# Other Media Principles

- Information conveyed to the public through visual media (video, displays, television, etc.) must be accessible to people with disabilities
- Information conveyed to the public aurally (radio, recordings, etc.) must be conveyed in a manner that is accessible to people with disabilities



# Internet Based Content Principles

MODULE

1

- As a means of communication with members of the public, websites and internet-based information must be accessible to people with disabilities.
  - World Wide Web Consortium (W3C Web Accessibility Initiative) 2.0 or higher
  - Section 508 Accessibility Standards (Federal Government)
- Information, products, registration and other communication must be available through other means



# Internet Based Content Highlights

MODULE

1

- Brochures, flyers or other documents
- Sales on website
- Communication with public
- Multi-media
- Calendars
- Maps
- Online forms to sign up for programs or report problems

A 'CHANGE OF CONTRACTOR FORM' from the Village of Arlington Heights. The form includes fields for 'File #', 'Owner of Property', 'Job Site Address', 'Name of Original Contractor', and 'Name of New Contractor'. It also has a section for 'Type of Contract' and a paragraph of text explaining the purpose of the form. At the bottom, there are fields for 'Contractor Name', 'Contractor Phone number', 'Contractor Email', and 'Contractor Signature'. The form is titled 'CHANGE OF CONTRACTOR FORM' and includes the village logo and name.A screenshot of the Naperville Help Center 'Submit a Request' page. The page features the Naperville logo at the top. Below the logo, there is a 'Submit a Request' section with a search bar and a 'Submit Request' button. The search bar has a red box around it with the number '3'. Below the search bar, there is a 'Request Type' dropdown menu with a red box around it and the number '4'. The page also includes a 'Help Center' sidebar with links to 'Home Center Home', 'Submit a Request', and 'My Help Center'. The main content area has a table with columns for 'Service Request Type' and 'Description'. The table lists 'Ask a Question' and 'Request Training/Equipment Items'.

# Sample Web Site Accessibility Statement

Government • Communications & Outreach •

## Website Accessibility

Font Size: [+](#) [-](#) [+](#) [Share & Bookmark](#) [Feedback](#) [Print](#)

The Village of Schaumburg is committed to providing access to the content on its website to all community members and visitors, including those with disabilities. The village makes every effort to conform to the Web Content Accessibility Guidelines developed by the World Wide Web Consortium, as well as the Americans with Disabilities Act and Section 508 of the Rehabilitation Act of 1973.

Individuals who want to request an alternate version of any of the village's web content, ask questions regarding web accessibility, or individuals who are unable to access any pages or documents on the village website, can email the Communications and Outreach Department at [communications@schaumburg.com](mailto:communications@schaumburg.com) and indicate the nature of the accessibility or alternative format needs and the URL (web address) of the material.

### Web Browser Accessibility

Many popular browsers contain built-in accessibility tools.

- [Internet Explorer Accessibility Information](#)
- [Firefox Accessibility Information](#)
- [Safari Accessibility Information](#)
- [Edge Accessibility Information](#)
- [Chrome Accessibility Information](#)

### Adobe Acrobat

Adobe Acrobat is required to view and print PDF documents that appear on this website.

- To download this program for free, visit the [Adobe website](#).
- To read PDF documents with a screen reader please link to the [Access Adobe website](#) which provides useful tools and resources.

The village's [Americans with Disabilities Act webpage](#) contains additional information regarding appropriate access to facilities, services, and programs; employment of persons with disabilities; useful links; and how to file a formal complaint with the village.

[View online](#)



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# How do I know if my Website is Accessible?

MODULE

1

- There are many tools/consultants that will assist with evaluating your website, apps, etc. for accessibility.
- To get a “quick” picture of your municipality website is you can use [WAVE](#) (free tool)
  - Provides information on the major errors on each page of your website
  - Share this information with your IT staff/Web Developer
  - Provides detailed information on the “error” as well as how to “fix” it

The screenshot shows the WAVE web accessibility evaluation tool interface. At the top, it displays the WAVE logo and the text "powered by WebAIM". Below this, the address bar shows "https://oatesassociates.com/". A toggle switch for "Styles" is set to "ON". The main content area is titled "Summary" and features a navigation menu with icons for Summary, Details, Reference, Order, Structure, and Contrast. The summary section displays six categories of issues: 7 Errors (red X icon), 41 Contrast Errors (red circle icon), 12 Alerts (yellow triangle icon), 2 Features (green checkmark icon), 12 Structural Elements (blue triangle icon), and 8 ARIA (purple square icon). A "View details" button is located at the bottom right.

Category	Count
Errors	7
Contrast Errors	41
Alerts	12
Features	2
Structural Elements	12
ARIA	8

# Pending Regulations – Website/Apps

U.S. Department of Justice issued a “Notice of Proposed Rulemaking” for Title II entities regarding Website and App Accessibility Standard on July 25, 2023.

- Public Comment Period through October 3, 2023
- Highlights:
  - Require compliance with Web Content Accessibility Guidelines (WCAG) 2.0 Level AA
  - Compliance Deadline: Entities 0-49,999 - 3 years after date of enactment  
Entities 50,000 and more - 2 years after date of enactment  
Special Use Districts – 3 years after date of enactment
  - Includes any third-party content that is a part of the entity's programs and services (i.e. payment portals, etc.)
- Exceptions:
  - Archived content created prior to date of enactment and not used/needed as part of delivering programs and services to the public
  - Content for individuals that is only accessed via password protected area of the website (i.e. Individual Homeowner Tax Bill)
  - Third party links that are not a part of the entities programs/services/activities (i.e. list of restaurants in the community)

# Pending Regulations – Website/Apps (2)

- Entities must meet their “auxiliary aids and services” obligations and Program Accessibility requirements even if some content is “exempt”
  - Example: Researcher with disability needs to access archived content but in an accessible format.
  - Example: Citizen with a disability needs their tax bill, etc. in an accessible format
- IMPORTANT TO SUBMIT COMMENTS:
  - [Online until October 3, 2023](#)
  - Via Great Lakes ADA Center/DOJ Public listening Session: September 26, 2023 2-3:30pm CT via Zoom Registration is available online at [www.ada-accessibletech.org](http://www.ada-accessibletech.org)
- DOJ Fact Sheet Regarding Notice of Proposed Rulemaking is available on the [www.ada.gov](http://www.ada.gov) website

# Public Transportation Principles

- When transportation is provided or used as part of your program, including at one of your events, accessible equivalent transportation should be provided.
- Applies to transportation as a service, e.g.:
  - To medical appointments
  - To shopping



# Public Transportation Highlights

MODULE

1

- Is transportation service the purpose of the program?
- Is transportation provided to allow people to participate in the program?
- Designated vehicles to provide transportation
- Owner, contractor
- Accessible features
- Driver training



# Emergency Procedures Highlights

MODULE

1

Should include the following elements:

- Visual and auditory alarms present/working order
- Provision/use of Evacuation chairs in multi-story buildings
- Emergency plans available when meetings or events are held various types of facilities (outdoor, etc.)
- Establish and promote hot lines and emergency phone lines/text notifications
- Consider establishment of a registry of participants with disabilities (e.g. City of Chicago, [St. Clair County, IL](#))



# City of Chicago Voluntary Registry

WELCOME TO THE EMERGENCY ASSISTANCE VOLUNTARY REGISTRY!



City of Chicago

**City of Chicago  
Emergency Assistance Registry for People with Disabilities or Special Needs  
Voluntary Self-Identification Form**

The City of Chicago has created a voluntary registry for individuals who may need assistance in the event of an emergency. In accordance with Illinois Public Act 096-0788, Section 35, registry participants are advised that the provision of special needs information will not result in preferential treatment.

To submit the form, click a link below.

[Online Voluntary Registry Form](#)

If you have already registered, click here to [log in](#).

**MENU**

- [Home](#)
- [Log In](#)
- [Forgot Password](#)
- [FAQ](#)

**LINKS**

- [City of Chicago](#)
- [Office of Emergency Management & Communications](#)
- [AlertChicago](#)
- [NotifyChicago](#)

[View Online](#)

# Emergency Procedures Highlights (con't)

Should include the following elements (con't):

- Identification of accessible features within City provided/sponsored/funded shelters (warming centers, sleeping/overnight facilities, food distribution programs, etc.)
- Accessible transportation if transportation is provided
- Plans or procedures are available in writing/accessible format
- Ensure people with disabilities involved in planning
- Provisions of plans communicated to the public and relevant partner agencies/organizations



# Emergency Procedures Communication

MODULE

1

- Robo-calls
- Voluntary registry
- Email blasts
- Text messages
- Local T.V. media
- Local radio
- Website messages

City of Chicago  
Voluntary Emergency Assistance Registry for  
People with Disabilities or Special Needs



# Outsourced Services Principles

- A program is liable for ensuring that any external contractors used to provide goods and services meet the requirements for ensuring accessibility
- Contract language should include the requirement to ensure that all goods and services provided are accessible to people with disabilities



# Outsourced Services Highlights

- Are outside entities required to ensure they will provide people with disabilities equal access (in contract)?
- Eligibility criteria
- Accessible facilities
- Auxiliary aids and services
- Alternate formats



# What About Things Not Covered in the Regulations/Standards?

Example:

Free standing equipment such as vending machines, furniture, etc., are subject to provisions other than the Standards:

- Program access
- Full and equal enjoyment
- Opportunity to participate and benefit from the programs and services provided



# Seek Public Input When and How

- When

- At beginning
- As to tentative findings
- As to recommendations



- How

- Public hearings
- Meetings with constituencies
- Online surveys/comments



# Seek Public Input

## Who

MODULE

1

- Who
  - Advisory committees
  - Advocacy groups
  - Individuals





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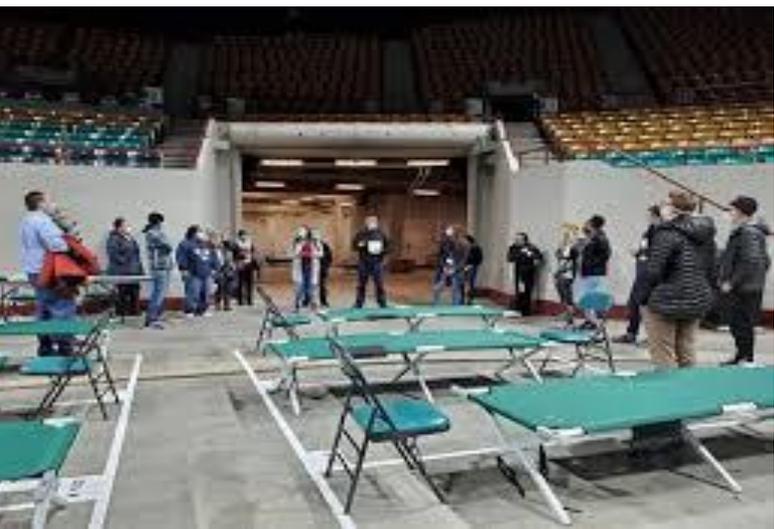
# Impact to Local Policies & Procedures



# Impact of Local Policies & Procedures

MODULE

1





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# Title II Administrative Requirements

## Available Resources



# Title II Administrative Requirements Resource Examples

## US Department of Justice

- [Title II Tool Kit](#)
- [Title II Technical Assistance Manual](#)
- [Project Civic Access Enforcement Program](#)
- [Guide for Small Towns](#)

## ADA National Network

- [Title II Action Guide](#)
- [Title II Tutorial | \(Web based course\)](#)

# Self-Evaluation/Transition Plan Examples

- [City of Tacoma, Washington](#) – Self-Evaluation developed by staff
- [City of Evanston, Illinois](#) – Self-Evaluation 2012 developed by staff
- [Bloomington, Illinois](#) – Self-Evaluation and Transition Plan 2022 developed with consultant

# Self-Evaluation/Transition Plan Examples (con't)

- [City of Minneapolis, MN](#) – ADA Action Plan Contractor developed 2018
  - [Updated Transition Plan](#) – 2022
- [City of Brooklyn Park, MN](#) – Contractor developed Plan 2020
- [Highlands Ranch, CO](#) – Contractor developed Plan 2017
- [Creating High Quality Transition Plans for the Pedestrian Environment: A Casebook of Success Stories](#) – Published by the Great Lakes ADA Center

# Finals Questions?

## Speaker Contact Information:

Robin Jones, Director

312-208-0754 (Cell)

312-996-1059

[guiness@uic.edu](mailto:guiness@uic.edu)

[www.adagreatlakes.org](http://www.adagreatlakes.org)



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# Presentation Goals and Future Sessions



# Lessons Learned

- History of the Americans with Disabilities Act (ADA) and disability rights in the US
- Accessibility and positive impacts
- Municipal requirements and liabilities under the ADA
- Impact of Title II on municipal facilities, policies and procedures
- Impact of local transportation policies and practices on accessibility





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# ADA Coordinator Training

TBD – TBD

[ADA transition plan and self-evaluation  
training - CMAP \(illinois.gov\)](#)





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# Public Rights of Way Self-Evaluation and Transition Plan Training

TBD – TBD

[ADA transition plan and self-evaluation training - CMAP \(illinois.gov\)](#)





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# Thank you!

@cmapillinois |    

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